

III. REMARKS

1. This is a response to the Notice of Non-Compliant Amendment mailed on 19 June 2006. Claim 26 has been properly relabeled.

2. Claims 1-5 and 8-26 remain in the application. Claims 6 and 7 were previously cancelled without prejudice.

3. Claims 1 and 26 are definite and meet the requirements of the second paragraph of 35 USC 112.

Claim 1 is directed to an access device comprising a first wireless communication means for receiving a key and validity information, wherein the key and validity information allow another party to determine without any connection to a central control element whether or not to provide access.

Claim 26 is directed to a wireless communication device for accessing an access device, including a memory for storing a received key and processing circuitry for providing the key to the wireless access device, where the wireless access device is able to determine without any connection to a central control element whether the key is valid.

The Office Action states that the term "central control element" is undefined and unclear. The Examiner quotes a single sentence of the present application found on page 11, lines 30 and 31 as the only reference to this term and goes on to state that since the claims seem to exclude a specific system setup, but have not clearly outlined what

systems would be excluded from the claimed invention, "the limitation will not be given patentable weight."

Applicants respectfully submit that page 11, lines 30 and 31 are taken out of context. Page 11, line 30 through page 12, at least line 9 explains various reasons why there is no need to connect Bluetooth devices to a central control element and further states that "the need for additional infrastructure connecting the Bluetooth devices can be avoided."

Furthermore, the test for definiteness under 35 U.S.C. 112, second paragraph is whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification." MPEP 2173.02 quoting *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, (Fed. Cir. 1986).

It is well known in general that a number of devices may be connected together to a central control unit, for example, computers may be connected to server using an Ethernet network.

It is also well known that in Bluetooth communication, one device provides a synchronization reference and is known as the master and the other device is called the slave. It is also known that a Bluetooth radio channel may be shared by a group of devices that are synchronized to a common clock and frequency hopping pattern by the master. Such a group of synchronized Bluetooth devices is called a piconet (see <http://www.bluetooth.com/Bluetooth/Learn/Works/>).

Thus, the concept of connecting a number of Bluetooth devices to a "central control element" would clearly be understood by one skilled in the art.

Referring to the claim language, one skilled in the art would readily understand the concept of providing key and validity information that allows another party to determine whether or not to provide access without any connection to a central control element.

It is also clear that one skilled in the art would easily understand what is being claimed when claims 1 and 26 are read in light of the specification, especially given the reference materials on networking in general and on the Bluetooth standard readily available to those skilled in the art and to the general public.

Therefore, independent claims 1 and 26 and dependent claims 2-5 and 8-22 are definite and particularly point out and distinctly claim the subject matter of the present invention.

4. Claims 1-5, and 8-26 are not anticipated by Wang (US 6,175,922) under 35 U.S.C. 102(e).

4.1 Wang fails to disclose or suggest providing key and validity information to another party, wherein the key and validity information allow the another party to determine without any connection to a central control element whether or not to provide access, as recited by claims 1 and 26.

In order to establish anticipation under 35 U.S.C. §102(b), each and every element of Applicant's invention recited in the claims must be found in the reference.

Providing key and validity information to another party that allows the another party to determine whether or not to provide access, without any connection to a central control element, is not found anywhere in Wang. Therefore, Wang does not anticipate claims 1 and 26.

4.2 Wang fails to disclose or suggest receiving, via a first wireless communication link, a key and time related information specifying a time period for which the key is valid, providing the key and time related information to the another party, and checking at the another party if the key and time related information are valid and if so providing access.

Applicants find no explicit reference to these features anywhere in Wang. Wang discloses making hotel, airline, and theater reservations but does not disclose receiving or providing a key and time related information specifying a time period for which the key is valid.

A rejection based on inherency must include a rationale or evidence tending to show inherency.

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish inherency. ... To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference.... (MPEP 2112 quoting *In re Rijckaert*, 9 F.3d 1531, 1534, (Fed. Cir. 1993), and *Ex parte*

Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App.& Inter. 1990), emphasis in originals).

Applicants respectfully submit that because providing a key and time related information specifying a time period for which the key is valid is not necessarily part of Wang, these features of the claims are not inherent in the cited reference.

Furthermore, neither column 19, lines 4-8 nor column 17, line 59 to column 18, line 12 disclose the feature of sending the key together with time-related information specifying a time period for which the key is valid from the personal electronic authorization device (PEAD) to the hotel room door (or other access device). Both these sections of Wang refer to services that may be provided to a customer for a limited period of time (such as providing access to a hotel room). Nevertheless, there is no disclosure of transmitting from the PEAD to the hotel room door lock (or other access device) time-related information specifying the period for which the key is valid.

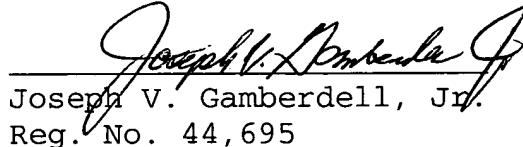
Absent such teaching, there is no way to determine if the access device in Wang receives or processes time-related information at all. For example, the access device may receive approval from a local network connecting the hotel room door locks to a central control element. More particularly, there is no disclosure in either of these sections, or anywhere else in Wang related to the feature of providing the time-related information to the hotel room door lock via the PEAD so as to provide the advantage of avoiding the need to connect each of the PEAD devices together to a central control element. This advantage of

the present claims is mentioned at page 11, line 30 to page 12, line 5 of the present specification.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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